



COMPTROLLER GENERAL OF THE UNITED STATES  
WASHINGTON, D.C. 20548

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January 17, 1973

Dear Mr. Secretary:

We refer further to letter dated August 21, 1972, from the Assistant Secretary of the Air Force (Manpower and Reserve Affairs), forwarded here by letter of August 24, 1972, from the Per Diem, Travel and Transportation Allowance Committee (Control No. 72-37), requesting a decision regarding the entitlement of members of the uniformed services to per diem and other travel allowances.

In his letter, the Assistant Secretary of the Air Force states that question has arisen regarding the entitlement to per diem and other travel allowances in the case of a member who has been transferred from a duty station to a hospital for treatment, after which he has been transferred in a temporary duty status to a location which is within the corporate limits of the city wherein the hospital is located. It is explained that this temporary duty assignment may be for the purpose of being near the hospital for further treatment in an outpatient status or to await a further permanent duty assignment.

Additionally, the Assistant Secretary indicates that entitlement to transportation of dependents and the payment of a dislocation allowance are clear where the member is within the United States, and a statement of expected prolonged hospitalization is obtained, or for those members transferred to a hospital in the United States from outside the United States, in which event no statement of expected prolonged hospitalization is required.

However, as the result of extending entitlements, normally authorized only in connection with permanent changes of station, to personnel said to be in a temporary duty status at a hospital, the Assistant Secretary expresses doubt concerning these members' entitlement to per diem and other travel allowances during subsequent temporary duty assignments at a place within the corporate limits of the city where the hospital is located.

Therefore, our opinion is requested as to proper entitlements in the following circumstances:

- a. When a member is attached to a ship whose home port is outside the United States, or on permanent duty at a station outside the United States and dependents

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travel from the home port or duty station outside the continental United States to the location of the hospital. Subsequent to hospitalization, the member is transferred to temporary duty at a place within the corporate limits of the city wherein the hospital is located.

b. Same circumstances as stated in a, except the member has no dependents.

c. Same circumstances as stated in a, but the dependents were located in the continental United States and traveled to the location of the hospital.

d. Same circumstances as stated in a, but the home port or the permanent duty station is within the continental United States, and the period of hospitalization is contemplated to be prolonged.

e. Same circumstances as stated in a, but the home port or permanent duty station is within the continental United States and the member has no dependents or the dependents do not perform travel to the location of the hospital.

Paragraph M7004-1 of the Joint Travel Regulations states that except as provided in subparagraph 3, entitlement to transportation of dependents incident to a member's hospitalization shall be contingent upon a statement by the commanding officer of the receiving hospital that he has evaluated the case and believes that the period of treatment of the member in that hospital can be expected to be prolonged.

Subparagraph 2 provides in pertinent part that a member on active duty who is transferred within the United States from either a permanent or temporary duty station to a hospital for observation and treatment is entitled to transportation of dependents, as for a permanent change of station, from his last permanent duty station or the place the dependents were retained under paragraph M7055, to the hospital.

Subparagraph 3 provides that a member on active duty outside the United States who is transferred to a hospital in the United States for observation and treatment is entitled to transportation of dependents from the overseas station or a designated place, as

applicable, to the first hospital to which he is transferred for observation and treatment. In such case the statement of prolonged hospitalization referred to in subparagraph 1 is not required.

Provisions regarding entitlement to the transportation of household goods of a member incident to hospitalization in circumstances similar to those specified in subparagraphs 2 and 3, M7004, are contained in paragraph M3254 of the regulations.

Paragraph M9003-3a provides that a dislocation allowance is payable to a member with dependents who is transferred from outside the United States to a hospital within the United States for observation and treatment and who relocates his household incident to such transfer. Subparagraph 3b provides that the dislocation allowance is payable, as for a permanent change of station, to a member with dependents who is transferred from inside the United States to a hospital in the United States for observation and treatment and who relocates his household incident to such transfer provided a statement of prolonged hospitalization has been issued by the commanding officer of the receiving hospital.

Paragraph M1150-10a, in pertinent part, defines "permanent station" as the post of duty or official station to which a member is assigned or attached for duty other than "temporary duty" or "temporary additional duty," the limits of which will be the corporate limits of the city or town in which the member is stationed. Paragraph M3003-2a defines the term "temporary duty" as duty at one or more locations, other than the permanent station. Subparagraph 2b states that temporary additional duty is a form of temporary duty. Paragraph M3050-1 indicates that members are entitled to travel and transportation allowances only while actually in a "travel status," and that they shall be deemed to be in this status while performing travel away from their permanent duty station.

In 4 Comp. Gen. 653 (1925) we said that while an order to proceed to a hospital for treatment is not a permanent change of station (since a patient does not perform duty), where a member at a foreign station is detached with directions to proceed to the United States for treatment his family or dependents are entitled to be brought back to the United States, and the detachment is regarded as a permanent change of station for this purpose. However, where the member's station is in the United States and he is ordered to a hospital for treatment, the basic general rule was stated to be that there is not such a change of

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station as to justify transportation of dependents, as illness necessitating treatment in a hospital is in nearly all cases, relatively temporary.

Accordingly, where a member is on duty outside the United States and he is hospitalized in the United States, in addition to entitlement to transportation of dependents (par. M7004-3), Volume 1 of the Joint Travel Regulations authorizes the payment of a dislocation allowance to a member with dependents who relocates his household incident to such transfer (par. M9003-3a), and also authorizes the transportation of household goods for members with or without dependents (par. M8254-3). Additionally, when a member stationed in the United States is hospitalized similar entitlements are extended to him "as for a permanent change of station" where a statement of prolonged hospitalization is issued by the commanding officer of the receiving hospital. (Subpars. 1 and 2, M7004; par. M9003-3b; and subpars. 1 and 2, M8254).

Members who obtain eligibility for any of the foregoing entitlements do so because their assignments to hospitals in the United States are regarded as permanent changes of station for these purposes, or entitlements are extended "as for" a permanent change of station. In either event, such members receive entitlements similar to those received by other members who in fact receive a change of permanent station. In such circumstances, the hospitals to which the members are assigned must be regarded as if they were permanent stations for the purpose of determining those members' entitlement to travel allowances incident to subsequent assignment to the same station. Members within the United States, who, because their hospitalizations are expected to be of short duration, are not able to obtain a statement of prolonged hospitalization, and therefore they are not eligible for permanent change of station allowances. Consequently, the places of hospitalization for such members may not be regarded as permanent stations. See 43 Comp. Gen. 596 (1964), Question 5.

In view of the foregoing, in circumstances a, b, c, and d, the members having basic eligibility for permanent change of station allowances, per diem and other temporary duty allowances may not be authorized where the member subsequently is transferred to duty at a place within the corporate limits of the city or town wherein the hospital is located. Circumstance e does not appear to be entirely clear. If a member whose home port or duty station is in the United States will undergo a period of prolonged hospitalization, then he should be considered as not

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entitled to temporary duty allowances, as in circumstances a-d. However, if there will be no prolonged hospitalization, then the member is eligible for travel allowances resulting from subsequent temporary duty within the corporate limits of the city or town in which the hospital to which he was assigned is located.

Sincerely yours,

Paul G. Dembling

For the Comptroller General  
of the United States

The Honorable  
The Secretary of the Air Force